



James Semerad
Chairman, DADS of Michigan PAC
6632 Telegraph Rd, Suite 110
Bloomfield Hills, MI 48301
Jimsemerad@cs.com
248-693-0558

(248) 559-DADS (3237) phone

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Representative John Stahl
Chairman, Committee on Families and Childrens Services
House Office Building
Lansing, Michigan 48909

REF: HB 5100, Family Law, Parental Rights, Military Parental Custody

Honorable Stahl:

Thank you for your efforts to address many issues with family law and make parenting more equitable, gender neutral, and increase efficiencies in state institutions.

DADS of Michigan PAC supports HB 5100.

Military personnel serve their country voluntarily due to their strong conviction and patriotism to the principles of equality and the freedoms as established by the US Constitution. Men and women have been called up to serve their country resulting in long absences from their families and children. A typical deployment is six months and there are medical personnel, cargo handlers, construction trades people, aviation, administrative support personnel, etc. with children in Michigan. Their duty and obligated commitment is foremost and at great sacrifice to their family.

HB 5100 would protect military personnel from a change in custody during a military service deployment. When a Marine Corps, National Guard, Air Force, or Army soldier is deployed, it is often with short notice. The notice is frequently so short that there is little time to get all of the family and personal matters in perfect order. When the soldier must work with family court agencies, the process is always impossible to complete to resolution. A hearing will not occur until after the soldier has been deployed. The soldier must rely on cumbersome and expensive long distance communications to address counsel issues, if communications is available. He/she must have the permission of the Commanding Officer to obtain leave if it is necessary to participate in a hearing, which is almost always denied. The practice of the courts, from my personal observation, is compelled to conduct a hearing without the participation of the soldier. The soldier is not likely to receive a notice of the hearing in a timely fashion to respond. Many times it is received after the hearing. HB 5100 would prohibit a custody hearing to change a custody arrangement while a service member, man or woman, is deployed on active duty.

orders. Service members should not be disadvantaged in family matters, any more than the deployment, for their service to this country.

I intervened recently when a Marine Corps soldier from Michigan was being deployed to Iraq. The notice to report for duty was a few days. He immediately notified the court and requested a hearing. As you would expect, he was deployed before a hearing occurred. The issue was a potential change in the parenting time, which would have affected his non-custodial sons long standing relationship with his step brothers and sisters. The Friend of the Court was conflicted on the appropriate action and I was able to assist in preserving the current parenting time arrangements using the recently passed legislation in Michigan on grandparent parenting time. His wife, the stepmother, had no voice in the process.

Although this bill does not move us far enough to restore family and the ability of children to enjoy the welfare of both parents and family, DADS of Michigan PAC does not find any major flaws with this bill and supports this bill. It does provide protection to our military personnel in custody issues. It is the right thing to do.

If there is anything Dads of Michigan PAC can do to help and support your effort, please do not hesitate to call me at 248-693-0558.

Sincerely,

James Semerad

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Chairman